

Message Text

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ORIGIN SS-30

INFO OCT-01 ISO-00 SSO-00 NSCE-00 /031 R

DRAFTED BY NEA/ARP:SBUCK/L/NEA:SCNELSON:EMP

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NEA/ARP:FMDICKMAN

EA/EX:DLWILLIAMSON

PM/ISO:MR. FLEMINGS

G/PAS:MSTANLEY

L/OM:JMICHEL (SUBS)

S/S-O:K KURZE

DOD/ISA/NEA:GSICK

OD/N/JAG:FRUCHTERMAN

DODISA/FMRA:BARRINGER

DOD/ISA:GEN SUNMER

H:KFOLGER(SUBS)

S/S-O:KAKURZE

----- 018028

O R 280031Z JUL 74

FM SECSTATE WASHDC

TO AMEMBASSY MANAMA IMMEDIATE

INFO AMEMBASSY CAIRO

AMEMBASSY JIDDA

AMEMBASSY KUWAIT

AMEMBASSY LONDON

AMEMBASSY TEHRAN

COMIDEASTFOR

S E C R E T STATE 163984

EXDIS

DOD FOR ISA, CNO

E.O.11652:GDS

TAGS: MARR, PFOR, US, BA

SUBJECT:RETENTION OF MIDEASTFOR IN BAHRAIN

REF: (A) MANAMA 538; (B)MANAMA 539 (NOTAL);

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(C) MANAMA 540 (NOTAL); (D) MANAMA 542 (NOTAL); (E) MANAMA

543 (NOTAL)

1. BAHRAIN "OFFICIAL" NOTIFICATION TO USOFMIDEASTFOR RETENTION MOST WELCOME DEVELOPMENT. AS CONSEQUENCE AMBASSADOR AUTHORIZED TO DELIVER NOTE REF B TO FONMIN. IN SO DOING YOU SHOULD EMPHASIZE OUR APPRECIATIONOF GOB DECISION, OUR COMMITMENT TO WORK SWIFTLY ON VARIOUS QUESTIONS RAISED BY MINISTER, AND OUR DESIRE FOR EVEN CLOSER RELATIONSHIP WITH BAHRAIN. AT SAME TIMEYOU SHOULD POINT OUT THAT WHILE NOTIFICATION OF MIDEASTFOR RETENTION MOST ENCOURAGING, POINTS RAISED BY FONMIN WILL OF COURSE REQUIRE FURTHER NEGOTIATIONS. BEFORE WE ENTER THEM, BELIEVE EMBASSY AND FONMIN SHOULD BE AWARE THAT, AS MATTERS HAVE NOW DEVELOPED, WE FACE SOMEWHAT COMPLICATED SITUATION VIS-A-VIS THE CONGRESS. THE ORIGINAL BAHRAIN AGREEMENT WAS A MAJOR ISSUE IN CONGRESS, AND MANY MEMBERS OF CONGRESS HAVE BEEN HIGHLY INTERESTED IN THE ADMINISTRATION'S HANDLING OF TERMINATION PROBLEM, PRESUMABLY ON EXPECTATION THAT ANY CONTINUATION OF OUR

PRESENCE IN BAHRAIN WOULD INVOLVE, IN EFFECT, A RENEWAL OF THE EXISTING AGREEMENT, POSSIBLY WITH AMENDMENTS.

2. THEREFORE WE BELIEVE THAT, IN CONTEXT OF SATISFYING BAHRAIN PRECONDITIONS TO WITHDRAWAL OF TERMINATION NOTICE, BAHRAIN SHOULD BE AWARE THAT NEW U.S. UNDERSTANDINGS WITH THEM ARE LIKELY TO HAVE TO BE REGARDED, AT LEAST FOR PURPOSES OF U.S. LEGAL REQUIREMENTS, AS CONSTITUTING NEW INTERNATIONAL AGREEMENT. THIS WOULD PROBABLY NOT BE CASE IF GOB HAD ACCEPTED OUR DEC. 29, 1973 NOTE ON CRIMINAL JURISDICTION OR IF WE WERE DEALING ONLY WITH INCREASE OF RENT AND REDUCTION OF PIER TIME. NOW, HOWEVER, OTHER MATTERS IN QUESTION GO DIRECTLY TO PROVISIONS OF EXISTING AGREEMENT AND THUS WOULD CONSTITUTE EITHER AMENDMENTS OR NEW AGREEMENT, DEPENDING ON HOW WE DRAFT THEM.

3. THERE ARE REALLY TWO ASPECTS TO OUR DEALINGS WITH CONGRESS ON THESE ISSUES.

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A. FIRST, THE CASE ACT OF 1972 REQUIRES THAT WE TRANSMIT ALL INTERNATIONAL AGREEMENTS OTHER THAN TREATIES TO CONGRESS WITHIN SIXTY DAYS AFTER THEIR ENTRY INTO FORCE. CLASSIFIED AGREEMENTS MAY BE TRANSMITTED TO THE FOREIGN RELATIONS AND FOREIGN AFFAIRS COMMITTEES UNDER AN INJUNCTION OF SECRECY, BUT THE NEED FOR A PERSUASIVE JUSTIFICATION FOR THE CLASSIFICATION IS OBVIOUS. UNLESS AGREEMENTS ARE CLASSIFIED, THEY WILL BE PUBLISHED IN THE

DEPARTMENT'S INTERNATIONAL AGREEMENTS SERIES.

B. SECOND, AND MORE CRUCIAL, THE DEPARTMENT'S REGULATIONS REQUIRE PRIOR CONSULTATIONS WITH CONGRESS WITH RESPECT TO THE CONCLUSION OF SIGNIFICANT INTERNATIONAL AGREEMENTS. IN LIGHT OF PAST SENSITIVITY OF THE BAHRAIN AGREEMENT ON THE HILL, WE CONSIDER PRIOR CONSULTATIONS NECESSARY IF WE ARE TO NEGOTIATE EVEN ON THE RELATIVELY LIMITED RANGE OF ISSUES ENVISIONED BY THE BAHRAINIS.

4. REQUEST AMBASSADOR RAISE WITH FONMIN THOSE ASPECTS OF FOREGOING CONSIDERATIONS WHICH HE DEEMS APPROPRIATE. YOU SHOULD INFORM HIM THAT GIVEN ABOVE CONSIDERATIONS AND NUMBER OF ISSUES WHICH MUST BE DISCUSSED, WE HAVE DECIDED IT WOULD BE BEST FOR YOU TO RETURN TO WASHINGTON AS SOON AS POSSIBLE FOR CONSULTATIONS. IMMEDIATELY FOLLOWING THESE CONSULTATIONS WE WOULD PLAN TO FIELD LEGAL TEAM FROM DOD AND STATE TO DISCUSS VARIOUS LEGAL QUESTIONS INCLUDING CRIMINAL JURISDICTION.

5. IN YOUR MEETING WITH FONMIN, YOU SHOULD ASSURE HIM THAT EVEN THOUGH CONGRESSIONAL CONSULTATIONS WILL BE NECESSARY, WE WILL DO OUR BEST TO KEEP THEM CONFIDENTIAL. WHILE WE CANNOT GUARANTEE THAT THERE WILL NOT BE ANY PUBLICITY WE HAVE A BETTER CHANCE OF AVOIDING IT BY THIS ACTION THAN IF WE CHOSE TO MOVE AHEAD WITHOUT FIRST CONSULTING CONGRESS.

6. FYI. ALTHOUGH THIS WILL REQUIRE FURTHER STUDY, OUR PRELIMINARY REACTION IS THAT CHANGING TERMINATION PROVISION FROM ONE YEAR TO SIX MONTHS WILL BE POSSIBLE WITH RELATIVELY LITTLE SUBSTANTIVE DIFFICULTY. END FYI.

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7. TRAVEL AUTHORIZATION AND FISCAL DATA FOR AMBASSADOR'S TRAVEL AS FOLLOWS: TA-4401-500075 DATED JULY 26, 1974
CHARGE: 1950113-4401-500075-2154. INGERSOLL

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NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NAVAL FORCES, FOREIGN RELATIONS, TECHNICAL ASSISTANCE, MILITARY BASES, STATUS OF FORCES AGREEMENTS, CENTRAL LEGISLATURE
Control Number: n/a
Copy: SINGLE
Draft Date: 28 JUL 1974
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: kelleyw0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Enclosure: n/a
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Handling Restrictions: n/a
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TAGS: MARR, PFOR, US, BA
To: MANAMA
Type: TE
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